

ARKANSAS COURT OF APPEALS

DIVISION II

No. CA08-1471

SHARON JONES,

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HEALTH & HUMAN SERVICES and
MINOR CHILD,

APPELLEES

Opinion Delivered 29 APRIL 2009

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
[NO. JJN2006-140]

THE HONORABLE WILEY A.
BRANTON JR., JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

D.P. MARSHALL JR., Judge

The circuit court terminated Sharon Jones's parental rights to her three-year-old daughter, CC2. On appeal, Jones's lawyer has moved to withdraw and has filed a no-merit brief pursuant to *Linker-Flores v. Arkansas Dep't of Human Servs.*, 359 Ark. 131, 194 S.W.3d 739 (2004) and our Rule 4-3(j)(1). The brief states that there were no adverse rulings at the hearing other than the ultimate decision and explains why no meritorious ground for reversal exists. Jones filed no pro se points. We agree that Jones's appeal lacks merit.

In terminating Jones's parental rights, the circuit court found CC2 is young and likely to be adopted, and that she would face potential harm by continued contact with Jones. Ark. Code Ann. § 9-27-341(b)(3)(A) (Repl. 2008). The court also found

two statutory grounds for termination. As one ground, the court found these circumstances: That CC2 has been adjudicated dependent-neglected; she has been out of Jones's custody for twelve months; and despite the Department's efforts to rehabilitate Jones and correct the conditions that caused removal, Jones had failed to remedy those conditions. Ark. Code Ann. § 9-27-341(b)(3)(B)(i)(a).

The evidence presented at the hearing supports this ground for termination. DHS took emergency custody of CC2 and her four brothers and sisters in January 2006 due to neglect. DHS was specifically concerned about CC2's health. She was diagnosed with failure to thrive shortly thereafter. About three months after DHS removed the children, the court adjudicated all of them dependent-neglected, noting Jones's abuse of sleeping pills and her failure to supervise the children. The court also ordered Jones to undergo training about how to feed CC2 and care for her special needs. Jones made some progress, and in December 2006 the circuit court returned the children to her custody for a thirty day trial placement.

About four months later, DHS again took emergency custody of CC2, who had been admitted to Arkansas Children's Hospital for failure to thrive. Though DHS offered services to Jones, she continued to struggle with depression and drugs. At the termination hearing in August 2008, Jones admitted that she remained incapable of providing a safe and stable home for CC2 but suggested that the child be placed with her father. The circuit judge found that CC2 "is an extremely high needs child who

requires close supervision twenty-four hours a day, every day” and that her care-giver must be “consistent, patient, persistent, and stable.” The court noted that Jones had tested positive for opiates about two months earlier, that she was at that time still incapable of meeting CC2’s specific needs, and that many more milestones lie ahead. The court likewise found that CC2’s father did not have the ability to meet her specific needs. Given CC2’s medical condition and Jones’s concession that she could not provide a stable home for her daughter, we see no clear error in the circuit court’s decision to terminate Jones’s parental rights. *Yarborough v. Ark. Dep’t of Human Servs.*, 96 Ark. App. 247, 253, 240 S.W.3d 626, 630 (2006).

Affirmed; motion granted.

VAUGHT, C.J., and BAKER, J., agree.